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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 BARRY LAMON,

No. CIV S-03-0423-FCD-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 C.K. PLILER, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. On June 25, 2007, plaintiff filed a document indicating that the conduct of
19 prison officials had thwarted his prosecution of the instant action such that he was forced to
20 abandon the case. The court issued findings and recommendations construing plaintiff's June
21 25th filing as a request for voluntary dismissal of this action. On September 7, 2007, September
22 19, 2007, and September 24, 2007, plaintiff filed separate objections to the findings and
23 recommendations, indicating that he was not seeking voluntary dismissal of the action.¹ The
24 findings and recommendations, therefore, will be vacated.

25 _____
26 ¹ Plaintiff had also sent to the court his entire file of original documents. By
separate order, the court will direct the Clerk of the Court to return those to plaintiff.

1 Currently, plaintiff's pre-trial statement is due January 11, 2008, defendants' pre-
2 trial statement is due January 18, 2008, the pre-trial conference (on the papers) is set for January
3 25, 2008, and trial is set for April 1, 2008. The court finds it appropriate to vacate these dates.
4 Plaintiff's pre-trial statement will now be due by February 19, 2008, and defendants' pre-trial
5 statement will be due by February 26, 2008. Following submission of the parties' pre-trial
6 statements, the court will issue a final pre-trial order in which a new trial date is set.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on August 16, 2007 (Doc. 160)
9 are vacated;
- 10 2. The current deadlines for the parties to submit pre-trial statements are
11 vacated;
- 12 3. The pre-trial conference date and trial date are vacated;
- 13 4. Plaintiff's pre-trial statement will now be due by February 19, 2008; and
- 14 5. Defendants' pre-trial statement will be due by February 26, 2008.

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16 DATED: December 20, 2007

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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